Courtesy Copy

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: ________
DATE FILED: 6-6-11

EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

---x

IN RE MILOS LITIGATION : **08 Civ. 06666 (LBS) (KNF)**

: **ECF Case**

---x

[PROPOSED] ORDER PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT AND PROVIDING FOR NOTICE

WHEREAS, the above-captioned matter (the "Litigation") is currently pending before this court;

WHEREAS, Plaintiffs have made an application, pursuant to Rule 23 (e), Fed. R. Civ. P., for an order approving the settlement of the claims alleged in the Lawsuit, in accordance with a Joint Stipulation of Settlement and Release, dated May 20, 2011 (the "Agreement"), which, together with the exhibits annexed thereto, sets forth the terms and conditions for a proposed settlement of the Litigation against Defendants and for dismissal of the Litigation against Defendants with prejudice upon the terms and conditions set forth therein, and the Court has read and considered the Agreement and the exhibits thereto; and,

WHEREAS, all terms contained and not otherwise defined herein shall have the same meanings set forth in the Agreement.

IT IS ON THIS 6 **DAY OF** June, **2011 HEREBY ORDERED AS FOLLOWS:**

1. The Court hereby preliminarily approves the settlement set forth in the Agreement as being fair, just, reasonable and in the best interests of the Settlement Class as described in the Agreement (hereinafter the "Class").

2. The Settlement and Fairness Hearing Shall be held before this Court, on Sept. 8, 2011(~~On or after August 23, 2011~~) at the United States District Court, Southern District of New York, U.S. Courthouse, 500 Pearl Street, at 10:00 AM, New York, NY 10007, to determine whether the proposed settlement of the Litigation on the terms and conditions provided for in the Agreement is fair, just, reasonable, adequate and in the best interests of the Class, and should be approved by the Court; whether an Order and Final Judgment of Dismissal, as provided in the Agreement, should be entered; and to determine the amount of attorneys' fees, costs and expenses that should be awarded Class Counsel.

3. The Court approves, as to form and content, the Settlement Notice and finds that the mailing and distribution of the Settlement Notice substantially in the manner and form set forth in the Agreement constitutes the best notice practicable under the circumstances, and constitutes valid, due and sufficient notice to all persons in the Class, complying fully with the requirement of Rule 23 of the Federal Rules of Civil Procedure, the Constitution of the United States and any other applicable laws.

4. On or before the date that is seven (7) days before the final approval hearing, Class Counsel shall move the Court for final approval of the settlement, and submit a memorandum of law in support of Class Counsel's application for attorneys' fees and incentive awards.

[signature]

United States District Judge

Dated: June 6, 2011